

EXHIBIT C

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1 UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF MISSOURI
3 EASTERN DIVISION
4
5 JEFFREY WEISMAN and STRATEGIC)
6 BIOMEDICAL, INC.,)
7))
8 PLAINTIFFS,) CASE NO. 4:19-cv-00075-JAR
9))
10 VS)
11))
12 BARNES-JEWISH HOSPITAL, BJC)
13 HEALTHCARE, WASHINGTON UNIVERSITY,)
14 DR. ALEX EVERE, DR. RICHARD)
15 BENZINGER, and DR. THOMAS COX,)
16))
17 DEFENDANTS.)
18))
19

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14
15 ***CONFIDENTIAL***

16 VIDEOCONFERENCE DEPOSITION OF
17 ALAN KAYE, M.D.

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24 (Taken December 23, 2022 at 10:02 A.M. CST)

25 REPORTED BY: Karisa J. Ekenseair, CCR RPR, LS NO. 802

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1 again, I had nothing to offer him other than support
2 and saying that I thought things would work out,
3 they usually do.

4 But in this case, I didn't -- I had no
5 idea that -- that one day there would be a lawsuit
6 between Dr. Weisman and WashU. And he asked if I
7 would provide some of the expertise that I had as,
8 you know, as a chairman of 21 years, as a program
9 director dating back to the 1990s. And I said I
10 would and here I am today.

11 Q. Okay. Doctor, if you could just -- I
12 appreciate your giving that answer. If you could
13 just answer the question that I asked and avoid
14 giving long narrative answers, I'd appreciate it.

15 So my -- my question was when were you
16 retained in this case. And I believe your answer
17 started with earlier this year. Now, earlier this
18 year, would that have been January or February, in
19 that time frame?

20 A. I don't recall the exact date, sir.

21 Q. And were you retained directly by Jeff
22 Weisman?

23 A. Well, I didn't ask for a retainer, so I
24 just said that I would, you know, be happy to -- to
25 testify at -- because I had a running knowledge of

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1 THE WITNESS: As I said, what I was
2 referring to is the -- that these were real
3 documents. As -- as to the contents of them,
4 we'd have to go through each one.

5 BY MR. SULLIVAN:

6 **Q. Okay.**

7 A. You know, I know there's a lot of debate
8 back and forth as to, you know, the motivation and
9 whether they were fair. And I could give you some
10 examples whenever we discuss it further.

11 **Q. Yeah. Yeah. We'll get into that. So did**
12 **you also see e-mails and letters from either the**
13 **program or WashU faculty that were critical and**
14 **raised concerns about Dr. Weisman's performance?**

15 A. Yes, sir. I did.

16 **Q. And you saw the evaluations that were,**
17 **likewise, critical and raised concerns about his**
18 **performance, right?**

19 A. Yes, sir. I did.

20 **Q. And in reaching your opinions, did you**
21 **disregard anything that was critical of Dr. Weisman?**

22 A. No, sir. I did not.

23 **Q. And but did you make a determination in**
24 **reaching your opinions that those items that were**
25 **critical or raised concerns about Dr. Weisman's**

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1 the United States through conversations with
2 different faculty members at meetings and through
3 direct conversations. And I think that that's a
4 reasonable number that I've presented is 500 to
5 750,000.

6 **Q. How much was your salary at LSU New**
7 **Orleans that last year you were there?**

8 A. It was about \$450,000, which was, I think,
9 the lowest salary of any chairman in the United
10 States.

11 **Q. You make a statement on page 5 going over**
12 **to page 6, that anesthesiologists in academic**
13 **setting receive comparable pay to anesthesiologists**
14 **in a hospital or more traditional medical setting.**

15 **What's the basis -- what are the bases**
16 **of -- what are the facts and data supporting the**
17 **basis of that opinion?**

18 A. I'm sorry, sir, you're -- you're moving
19 way too fast. Can you point out what you're
20 referring to and I'll see if I can --

21 **Q. Yeah. I'll -- how about I highlight it**
22 **for you, sir?**

23 A. Okay.

24 **Q. You see that on my screen 5, 6?**

25 A. Yes.

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1 **Didn't you say 450?**

2 A. That's right.

3 **Q. All of your newbie residents who just**
4 **successfully completed the program, they all make**
5 **more than you?**

6 A. That is correct.

7 **Q. How much would a new instructor at the LSU**
8 **residency program, what would their annual salary**
9 **be?**

10 A. In Shreveport?

11 **Q. Yes.**

12 A. Well, we have one who finished last year
13 and he communicated that he expects to make
14 approximately a million dollars this year.

15 **Q. From the LSU program?**

16 A. Yes. But he takes a lot of call and works
17 weekends and nights.

18 **Q. All right. I'm sharing my screen with**
19 **you. Do you see this spreadsheet?**

20 A. No.

21 MR. MOORE: No.

22 THE WITNESS: I do not.

23 MR. MOORE: We're still looking at Kevin's
24 screen.

25 MR. NOLAN: Kevin, can you -- if you

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1 **trustworthiness?**

2 A. No. I'm not, sir.

3 **Q. You would agree with me that at least**
4 **Microsoft Excel believes you are untrustworthy?**

5 MR. MOORE: Oh, come on. This is
6 foundation; form; calls for speculation.

7 THE WITNESS: I -- I can't even
8 answer -- is that a question?

9 BY MR. NOLAN:

10 **Q. Okay. So do you see here on the actual**
11 **spreadsheet itself, under Anesthesiology, it lists**
12 **the total compensation in thousands of dollars for**
13 **the 25th percentile at 289,000, correct?**

14 A. Yes. I do see that, sir.

15 **Q. Okay. That's 289,000 per year, fair?**

16 A. Yes.

17 **Q. Okay. Now, that's the -- the person**
18 **that's sitting at the 25th percentile. There's a**
19 **whole quarter of the population of anesthesiologists**
20 **that are making even less than that, correct?**

21 A. I think that that is fair, sir.

22 **Q. Okay. Do you know how low that data goes?**

23 A. I do not, sir.

24 **Q. Okay. Well, would you agree with me that**
25 **in terms of total anesthesiology individual --**